

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

SEP 25 2014

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

PEREZ-Hurtado, Hector Samuel, YOB: 1988 MXC

CASE NUMBER: M-14-1873-M

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about 9/24/2014 in Brooks county, in the Southern District of Texas defendant(s) did, (Track Statutory Language of Offense)

Knowingly and Intentionally possess with Intent to Distribute 8.98 kilograms or more of Cocaine, a Schedule II Controlled Substance.

Knowingly and Intentionally Conspire to possess with Intent to Distribute 8.98 kilograms or more of Cocaine, a Schedule II Controlled Substance

in violation of Title 21 United States Code, Section(s) 846, 841 (a) (1)

I further state that I am a(n) DEA Task Force Officer and that this complaint is based on the following facts: See Attachment "A".

Continued on the attached sheet and made a part of hereof: ☒ Yes ☐ No

Approved
JS

[Signature]
Signature of Complainant
Cosme Muniz III, DEA Task Force Officer

Sworn to before me and subscribed in my presence,

September 25, 2014 10:14 am At
Date

McAllen, Texas
City and State

Peter Ormsby, U.S. Magistrate Judge
Name & Title of Judicial Officer

[Signature]
Signature of Judicial Officer

ATTACHMENT

On September 24, 2014, US Border Patrol Agent (USBP) Sean C. Williams, was assigned checkpoint duties at the Border Patrol Checkpoint located 13 miles South of Falfurrias, Texas who received information about a possible narcotics load being transported northbound. At approximately 08:30 a.m. a Valley Transit Bus (#60842, LP: K019716), approached the checkpoint for an immigration inspection of its occupants in the bus inspection area.

As USBP Williams was inspecting the bus for immigration purposes, USBP came across a passenger sitting alone in the back seat of the bus in front of the bus's bathroom, later identified as Hector Samuel PEREZ-Hurtado. PEREZ was sitting with a blanket over his lap. PEREZ also had a National Guard book bag sitting in the seat with the National Guard logo facing outward so that it could easily be seen by the USBP Agent. This raised Agent Williams suspicion level because in his past experiences as a law enforcement officer, USBP Williams has had people illegally here in the United States trying to use decoys like National Guard Uniform Accessories to mask their true identity and hope USBP agents overlook the fact that they are here illegally. USBP Williams asked PEREZ if he was a United States Citizen and the subject responded "Permanent Resident." USBP Williams then asked PEREZ where he was heading to. PEREZ responded "Houston." When asked why he was traveling to Houston, PEREZ responded "to visit my sister." USBP Williams asked PEREZ what the name of his sister was. PEREZ advised Jacqueline PEREZ. USBP Williams then asked PEREZ what is the name of the street PEREZ' sister reside on and to what address he was traveling to, but PEREZ hesitated and could not give the address because he said, "I do not know my sister's address or the name of the street."

It was at this time that USBP Williams was instructed to remove all passengers from the bus by the USBP Canine Handler McCloy so that USBP McCloy could conduct a canine inspection of the bus. During the canine inspection of the bus, and with the passengers standing outside the bus, USBP McCloy advised that his service canine (Boy-J, #061317) alerted to the bathroom area which was right next to the seat that PEREZ was sitting in. Upon further searching of the area, USBP Canine Handler McCloy discovered two bundles wrapped in black electrical tape, later determined to be cocaine, stuffed down the right side of PEREZ' bus seat in front of the bus' bathroom.

While the passengers were standing outside, Supervisory USBP Isidro Martinez observed PEREZ acting very nervous and not making eye contact with him. It was then that USBP MARTINEZ walked behind the subject and observed irregular bulges on the subject's back, above the subject's waistline. The bulges were concealed underneath PEREZ shirt and jacket in an attempt to hide the bundles. When Supervisory USBP Martinez asked PEREZ what the items were on his back underneath his jacket, PEREZ continued to look at the ground and answered, "Mugrero." When asked further what PEREZ meant, PEREZ admitted to it being cocaine. It was at this time that PEREZ was detained and taken inside the United States Border Patrol Checkpoint in Falfurrias, Texas. PEREZ was asked to remove his jacket and shirt and it was then that USBP Williams observed two bundles wrapped in similar black tape as the ones found underneath PEREZ's seat. These two bundles were taped to PEREZ back with clear masking tape. The bundles tested positive for cocaine. USBP agents seized four bundles, all wrapped with the same black electrical tape, approximately 4.76 kg of cocaine.

At 8:45 a.m., PEREZ was read his rights in his preferred language of Spanish by USBP Sean Williams, as witnessed by USBP Jerry Rivera. PEREZ acknowledged his understanding of his rights and waived his rights to speak with an attorney as well as answer any questions we may have. PEREZ claimed to have been recruited by a man that goes by the name of "Guero" in Reynosa, Mexico. PEREZ claimed to be taking the four cocaine bundles to Hartford, Connecticut where he would be paid \$3,000.00 upon delivery of the cocaine.

On September 24, 2014, TFO Cosme Muniz and TFO Ismael Rivas responded to the Falfurrias Texas checkpoint to initiate the investigation. TFO Muniz as witnessed by TFO Rivas advised PEREZ of his Miranda warning and waived his right to an attorney and agreed to answer questions. PEREZ stated that he knew he was transporting cocaine and was going to be paid approximately \$6,000.00 for transporting the drugs to Hartford Connecticut.

During the booking process at the McAllen D.O., SA R. Mercado, TFO C. Mireles, and TFO G. Vazaldua asked PEREZ if he would provide consent to search his apartment located at 313 Elida Street Apartment #3 in Mission, Texas. PEREZ stayed quiet and stared at the ground for a few seconds. PEREZ then raised his head and stated he had four (4) more bricks of cocaine hidden in the closet in his bedroom. PEREZ was then taken to his apartment where he provided written consent to search the apartment. During the search of the apartment, agents were able to locate a green shoe box containing four (4) bricks of cocaine in his bedroom closet. The bundles were also wrapped in black electrical tape similar to the cocaine that was seized from PEREZ at the Falfurrias checkpoint. The four bricks of cocaine had a total weight of 4.22 kgs, to include packaging. AUSA James Sturgis was advised of the facts of the case and authorized Federal Prosecution for PEREZ-Hurtado.